

HERNANDO COUNTY BUILDING DIVISION
AFFIDAVIT
BUILDING PERMIT EXEMPTION
NONRESIDENTIAL FARM BUILDINGS

You have applied for exemption from the Florida Building Code in accordance with the following sections of Florida Statute:

F.S. 553.73 (10)(c) - Florida Building Code - Enforcement

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(c) Nonresidential farm buildings on farms.

F.S. 604.50 Nonresidential farm buildings; farm fences; farm signs.—

(1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. [479.11](#)(4), (5)(a), and (6)-(8).

(2) As used in this section, the term:

(a) "Bona fide agricultural purposes" has the same meaning as provided in s. [193.461](#)(3)(b).

(b) "Farm" has the same meaning as provided in s. [823.14](#).

(c) "Farm sign" means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.

(d) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. [553.73](#)(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. [193.461](#), and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

By signing this affidavit, as the owner of the property and/or the farm operation, you certify that the information provided is true and correct, and the use of the structure complies with the Florida Statutes governing the exemption for nonresidential farm buildings.

Key No. _____

Date _____

Address of Site: No. _____ Street _____

City _____ Zip _____ Hernando County, Florida

Owner: _____ Phone: _____

Address _____ City _____ State _____ Zip _____

Email address _____

Please describe the structure:

Please see page 6 for documentation required to be submitted with this application.

OWNER'S AFFIDAVIT:

I hereby certify that the information provided in this application is true and correct and complies with the following statutes:

"F.S. 604.50 Nonresidential farm buildings.

604.50 Nonresidential farm buildings; farm fences; farm signs.—

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F.S. 823.14 Florida Right to Farm Act

(3) DEFINITIONS.—As used in this section:

(a) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(b) "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

I understand that the exemption is for this structure only, and any change in the use of the structure could change the exempt status. Each non-residential farm building is subject to review for agricultural exemption.

F.S. 837.06 – FALSE OFFICIAL STATEMENTS. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

F.S. 92.525 – Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature of Owner

Print Name of Person Signing

State of _____ County of _____
Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, _____, by _____.

Personally Known OR Produced Identification _____
Type of Identification Produced _____

Signature of Notary Public

(Notary Seal)

Your application for exemption will be reviewed by the Building Official for approval or denial. If the application is denied, you may appeal the Building Official's decision to the Board of Construction Regulation within thirty (30) days after issuance of a denial. Additional information on the appeal process is available from the Building Division.

BUILDING OFFICIAL REVIEW:

COMMENTS: _____ APPROVED _____ DENIED

Hernando County Building Official

Date

**HERNANDO COUNTY ZONING DIVISION
AFFIDAVIT**

Permit # _____

Legal Description/Address _____

I, _____, hereby acknowledge that the above permit is for a _____ used for my own personal use. I also understand that the improvement cannot be used or converted for manufacturing, non-permitted commercial use or dwelling purposes.

The proposed building/improvement will be used (check any use that applies):

_____ for an agricultural permitted use as defined in the Appendix "A," Article IV, Section 6A(1). Agricultural activity on the property is: _____

_____ for an accessory structure incidental to a permitted residential use on the property.

The proposed use of the _____ WILL BE USED FOR: _____

Unauthorized use of this structure/improvement would be a violation of the Hernando County Code of Ordinances and may subject the owner to civil penalty and/or demolition of the structure or unauthorized improvements as well as the disconnecting of electrical service.

Signature of Property Owner

Date

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, _____, by _____.

Personally Known OR Produced Identification

Type of Identification Produce

Signature of Notary Public

Type, Print, or Stamp Name of Notary



DEPARTMENT OF PLANNING AND ZONING

PLANNING DIVISION

20 NORTH MAIN STREET ◆ ROOM 262 ◆ BROOKSVILLE, FLORIDA 34601
P 352.754.4057 ◆ F 352.754.4420 ◆ W www.HernandoCounty.us

September 25, 2025

Hernando County Administrative Officials Review and Final Determination on County wide processing of Non-Residential Farm Buildings (NREX)

Dear Hernando County Resident,

This notice serves to provide clarification and guidance regarding Hernando County's administration and enforcement of **agricultural exemptions for non-residential farm buildings**, as governed by **Florida Statutes**. Hernando County Development Services has undertaken a comprehensive review of its procedures concerning **agricultural exemptions for Non-Residential Farm Buildings (NREX)**. In alignment with Florida law and in comparison with surrounding counties, we are updating and enforcing our process to **strictly adhere to Florida Statutes**, including **§§ 193.461, 604.50, 823.14, and 553.73**.

These statutes define and limit exemption eligibility to structures located on land used **primarily for bona fide agricultural purposes** (defined by Florida Statue a.k.a. greenbelt) and recognized by the **Hernando County Property Appraiser**. Structures must be used **exclusively for agricultural operations**, such as barns, equipment storage, feed sheds, or similar nonresidential farm facilities.

How do I qualify for a Greenbelt:

To qualify for agricultural classification (Greenbelt) in Hernando County, Florida, landowners must meet specific requirements of **Florida Statutes §§ 193.501 and 704.06** and file an application with the **Hernando County Property Appraiser** annually between January 1st and March 1st. This classification assesses land based on its **bona fide agricultural** use to reduce property taxes, with the **property appraiser** making the final determination of eligibility based on factors such as the length and continuity of use, purchase price, and size in relation to the agricultural use.

WHAT THIS MEANS

Following a review of procedures in neighboring counties and statutory requirements, Hernando County will now be **strictly adhering to state law** when evaluating exemption requests for structures on agricultural land. This ensures consistency, compliance, and protection for both the County and property owners engaged in **bona fide agricultural operations**.

Only structures that meet the definition of a "**nonresidential farm building**" pursuant to Florida law and are located on land used for **bona fide agricultural purposes** will be considered for exemption from the Florida Building Code and local permitting requirements.

As defined by **Florida Statute §604.50**, a *nonresidential farm building* is a temporary or permanent structure used **primarily** for agricultural production and not intended for residential occupancy. Examples include:

- Barns
- Equipment sheds
- Hay storage
- Poultry houses
- Milking parlors
- Farm maintenance buildings
- Structures **with any residential component**, or used to support **non-agricultural activities**, are **not exempt** and require full permitting through the Building Division.

For existing and previously approved “**nonresidential farm building**” which currently do not meet the states definition of “**bona fide agricultural operations**”, they shall be considered legal nonconforming in accordance with County Land Development Regulations (LDR), Appendix A, Article II General Regulations, Section 2.

Important Limitations:

- **No exemption** will be granted for any structure located **within a FEMA-designated flood zone**. These structures are subject to floodplain regulations and require permits.
- **Residential or accessory residential structures** (e.g., homes, workshops, garages, barns with living quarters) are **never exempt**, even if located on agricultural property.
- Although Florida Statutes provide for limited zoning and land development exemptions, Hernando County **strongly recommends** adherence to **setbacks, easements, and right-of-way clearance** to avoid conflicts and future enforcement.

Required Documentation for Agricultural Exemption Consideration:

To request exemption status, property owners must submit a complete application to the **Building Division**, which includes the following:

1. **Proof of ownership** (e.g., warranty deed or Property Appraiser printout)
2. **Site plan** showing property boundaries, setbacks, structures, and access
3. **Floor plan** identifying the agricultural function of all areas
4. **Agricultural Classification** documentation from the Property Appraiser’s Office (Greenbelt status)
5. **Signed and notarized Non-Residential Farm Building Affidavit**
6. **Proof of active agricultural use**, such as:
 - **IRS Schedule F (Form 1040)** – for owner-operated farms
 - **IRS Form 4835** – for landowners renting to others under sharecropping or livestock arrangements
 - Prior year tax filings showing farm income or loss
7. **Final inspection** upon completion to verify compliance with stated agricultural use

All documentation will be reviewed in coordination with the **Property Appraiser's Office**, **Zoning**, **Permitting**, and **Building Inspection** teams.

WHY THIS MATTERS

The purpose of these requirements is to ensure that exemptions are granted only when justified by **good-faith, commercial agricultural activity**, as required by **Florida Statute §193.461(3)(b)**. Structures misrepresented as agricultural, but used for residential or recreational purposes, will not qualify and may be subject to code enforcement and permit penalties.

By aligning our policies with the Florida Statutes and surrounding counties' time-tested procedures, we aim to uphold both agricultural rights and regulatory integrity.

We are committed to supporting our agricultural community and we understand this process can be complex, and our staff is here to assist. Please contact **Development Services** at (352) 754-4050 or visit www.hernandocounty.us for application forms and additional guidance.

We appreciate your cooperation as Hernando County continues to support legitimate farming operations while ensuring compliance with state and local regulations.

Sincerely,



Omar DePablo
Development Service Director
Administrative Official
Development Services Department

